

08-01-01

EL 827 31 4954

A

Practitioner's Docket No. PLI/0007

PATENT

Preliminary Classification:  
Proposed Class: 119  
Subclass: 408

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Peter C. Craig

For (title): Portable Pen for Shipping Livestock by Container Ship, Rail and Truck

## 1. Type of Application

This transmittal is for a continuation application.

## 2. Benefit of Prior U.S. Application (35 U.S.C. Sections 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. application. Enclosed are

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\*

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents,  
Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10\*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"  
Mailing Label No.

EL 827 31 4954

## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office (703)

Date: July 30, 2001

Signature

Charles R. Cypher

(type or print name of person certifying)

## \*WARNING:

Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).

"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal--page 1 of 5)

07/30/01  
jc962 U.S. PTO

jc971 U.S. PTO  
09/918697  
07/30/01

09918697-073001

ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

**3. Papers Enclosed**

**A.** Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

20 Page(s) of Specification

6 Page(s) of Claims

8 Sheet(s) of Drawing(s)--Formal

**B.** Other Papers Enclosed

7 Page(s) of declaration and power of attorney

1 Page(s) of abstract

**4. Additional Papers Enclosed**

Preliminary Amendment/Amendment to claims

Cancel in this applications claims 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 18, 19, 20, 22, 23, 24 and 29 before calculating the filing fee.

**5. Declaration or Oath**

Enclosed

Executed by:inventor.

**6. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**7. Language**

English

09918697.073001

**8. Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

| CLAIMS AS FILED  |              |                     |              |          |   |
|--|--------------|---------------------|--------------|----------|---|
| Claims   | Number Filed | Basic Fee Allowance | Number Extra | Rate     | Basic Fee<br>37 CFR 1.16(a)<br>\$710.00 |
| Total Claims<br>(37 CFR 1.16(c))   | 16           | - 20 =              | 0 x          | \$18.00  | \$0.00                                  |
| Independent Claims<br>(37 CFR 1.16(b))                                   | 3            | - 3 =               | 0 x          | \$80.00  | \$0.00                                  |
| Multiple Dependent<br>Claim(s), if any<br>(37 CFR 1.16(d))               |              |                     | +            | \$270.00 | \$0.00                                  |
| Amendment cancelling extra claims is enclosed.<br>Filing Fee Calculation |              |                     |              |          | \$710.00                                |
| <b>9. Fee Payment Being Made at This Time</b>                            |              |                     |              |          |   |
| Enclosed<br>Filing Fee   |              |                     |              |          | \$710.00                                |
| <b>Total Fees Enclosed</b>   |              |                     |              |          | \$710.00                                |

**10. Method of Payment of Fees**

Check in the amount of \$710.00 is attached. Check # \_\_\_\_\_

**11. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 03-4075.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

FOI 18697 073004

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))

37 C.F.R. Section 1.17 (application processing fees)

**12. Instructions as to Overpayment**

Credit Account No. 03-4075.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION CLAIMED**

**13. Relate Back**

Amend the specification by inserting, before the first line, the following sentence:

**A. 35 U.S.C. Sections 120, 121 and 365(c)**

1998. "This application is a continuation of copending application: 09/151,992 filed on September 11,

**14. Maintenance of Copendency of Prior Application**

**A. Extension of Time in Prior Application**

A petition, fee and response extends the term in the pending **prior** application until July 30, 2001.

A **copy** of the petition filed in prior application is attached.

**15. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

**16. Abandonment of Prior Application**

Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

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100520 1698160

**17. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

Date: July 30, 20 01



Charles R. Cypher  
Law Offices of James R. Cypher  
405 14th Street, Suite 1607  
Oakland, CA 94612-2747  
Tel: 510 832 4111

09918697-073001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Craig, Peter C.

EL 827 314 954

Application No.:

Group No.:

Filed:

Examiner:

For: Portable Pen for Shipping Livestock by Container Ship, Rail and Truck

Commissioner for Patents  
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number  
Date of Deposit 07/30/2001

EL 827 314 954 US

I hereby state that the following *attached* paper or fee

New Application Transmittal (5 pages),

Specification (20 pages),

Claims (6 pages),

Abstract (1 page),

Drawings (8 pages),

Declaration and Power of Attorney (7 pages),

Preliminary Amendment (17 pages),

Check No. 7434 for \$710.00

AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME... (2 PGS)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Charles R. Cypher

  
Signature of person mailing paper or fee

09918697 073001

Practitioner's Docket No. PLI/0003

EL 92 3 54 57 82

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Craig, Peter C.

Application No.: 09/151,992 Group No.: 3643  
 Filed: September 11, 1998 Examiner: French, F.  
 For: Portable Pen for Shipping Livestock by Container Ship, Rail and Truck

Commissioner for Patents  
 Washington, D.C. 20231

1c971 U.S. PTO  
 09/918697  
 07/30/01

**AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME  
 TO MAINTAIN PARENT CASE THAT IS TO BE ABANDONED  
 WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT**

1. The amendment in this case is a *bona fide* attempt by applicant to respond and to advance this application to final action. It comprises a separately filed continuation application.

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

2. This is a petition under 37 C.F.R. section 1.136(a) for an extension of time to respond to the Office Action mailed January 30, 2001.
3. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with this application. (*Notice of May 13, 1983, 1031 O.G. 11-12*).

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**CERTIFICATION UNDER 37 C.F.R. SECTION 1.10\***

(Express Mail label number is *mandatory*.)  
 (Express Mail certification is *optional*.)

I hereby certify that this paper is being deposited with the United States Postal Service on this date July 30, 2001, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EL 92 3 54 57 82, addressed to the: Commissioner for Patents, Washington, D.C. 20231.

Charles R. Cypher

(type or print name of person mailing paper)

*Charles R. Cypher*

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. section 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

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(Amendment, Petition and Fee for Extension of Time to Maintain Parent Case That Is To Be Abandoned When Filing Application Claiming Its Benefit--page 1 of 2)

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4. Applicant is other than a small entity.

5. Extension requested

The proceedings herein are for a patent application and the provisions of 37 C.F.R. section 1.136 apply.

Applicant petitions for an extension of three months time under 37 C.F.R. section 1.136(a).

(fees: 37 C.F.R. section 1.17(a)(1)-(4)).

Fee: \$890.00

If an additional extension of time is required, please consider this a petition therefor.

6. Fee Payment

Attached is a check in the sum of \$890.00. Check no. 7435

7. Fee Deficiency

If any additional extension and/or fee is required, charge Account No. 03-4075.

Date: July 30, 2001

Charles R. Cypher

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